

*Petition
for Retro*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Pharma Mar, s.a. et al.
APPLN. NO.: PCT/GB00/01857 (designating the US)
FILED: 15 May 2000
FOR: Compositions and Uses of ET743 for Treating Cancer

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231
BOX DAC

Sir:

PETITION FOR RETROACTIVE FOREIGN FILING LICENSE

Applicant respectfully submits this petition for retroactive license under 35 U.S.C. §184. In accordance with the requirements of 37 C.F.R. §§5.13 and 5.25, this petition is directed to the following foreign patent applications filed without license from the USPTO:

GB 9911183.3, filed on 13 May 1999

GB 9911346.6 filed 14 May 1999

GB 9927005.0 filed 15 November 1999

GB 9918534.0 filed 5 August 1999

GB 9927106.6 filed 16 November 1999

GB 0007637.2 filed 29 March 2000

PCT/GB00/01857, a PCT patent application filed at the United Kingdom Patent Office on Monday, May 15, 2000, claiming priority from the six UK patent applications;

09/1787461

NON-PCT Filings based upon the six UK patent applications:

Argentina Application No. P000102321, filed 15 May 2000;

Chile Application No. 2000-1216, filed 15 May 2000; and

Malaysia Application No. PI20002107, filed 13 May 2000.

Attached is a Declaration from the British Attorney responsible for the filing of the above-identified applications. The Declaration includes the following:

- (i) An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order.
- (ii) A showing that the license has been diligently sought after discovery of the proscribed foreign filing.
- (iii) An explanation of why the material was inadvertently filed abroad through error and without deceptive intent without the required license under §5.11 first having been obtained.

In view of these submissions, Applicant respectfully requests the issuance of the requested retroactive foreign filing license.

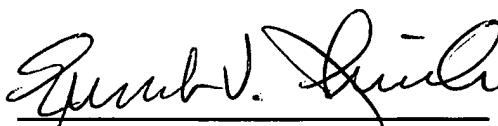
FEE AUTHORIZATION

Please charge the fee associated with this petition to Deposit Account No. 19-0733.

Petition for Retroactive
Foreign Filing License
Page 3 of 3

Should the Petitions Examiner wish to discuss any of the remarks made herein, the undersigned attorney would appreciate the opportunity to do so. Thus the Petitions Examiner is hereby invited to call the undersigned, collect at the number shown below.

Respectfully submitted,



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Date: 3/2/01

Sched.	Pts	Dose	RD*	Cycles	Tumor Type	Previous Chem. Lines	Response	Time to progression (months)
1h	40	585	1000	10	Melanoma	-	pCR	29+
3h	32	1500	1650	10	Leiomyosarcoma	1	CR	12
		1650		13+	Colon Stromal	1	PR	10+
					Sarcoma			
		1650		5+	Gastric Stromal	1	MR	4+
					Sarcoma			
24h	52	1500	1500	5	Osteosarcoma	4	PR	2
		1500		12	Liposarcoma	2	PR	15+
		1800		3	Breast	2	PR	3
dx5	42	325x5	1625	6	Leiomyosarcoma	1	MR (27%)	4
		325x5		7	Ovarian	7	MR+fall CA 125	6
72h	21	1200	1050	6	Mesothelioma	1	MR (41%)	5
		1200		4	Ocular Melanoma	-	Mixed R	2
Total								
	Pts							
	187							